

09/914029

Practitioner's Docket No. U013610-2

Optional Customer No. Bar Code



00140

PATENT TRADEMARK OFFICE

CHAPTER II

TRANSMITTAL LETTER  
TO THE UNITED STATES ELECTED OFFICE (EO/US)

(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

PCT/ES99/00060

10 MARCH 1999

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PIGMENTS BASED ON SILICA AND IRON OXIDE AND PROCESS FOR THE MANUFACTURE  
THEREOF

TITLE OF INVENTION

1. VICENTE BAGAN VARGAS
2. ANTONIO BLASCO FUENTES
3. FRANCISCO NEGRE MEDALL
4. VICENTE BELTRAN PORCAR
5. BENITO CERVANTES RODRIGUEZ

APPLICANT(S)

Box PCT

Assistant Commissioner for Patents

Washington D.C. 20231

ATTENTION: EO/US

## CERTIFICATION UNDER 37 C.F.R. 1.10\*

(Express Mail label number is *mandatory*.)(Express Mail certification is *optional*.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date August 22, 2001, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EL728214728US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

IBIS CARRILLO

(type or print name of person mailing paper)

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

202201032041050

**NOTE:** *The completion of those filing requirements that can be made at a time later than 30 months from the priority date results from the Commissioner exercising his judgment under the authority granted under 35 USC 371(d). The filing receipt will show the actual date of receipt of the last item completing the entry into the national phase. See 37 C.F.R. §1.491 which states: "An international application enters the national state when the applicant has filed the documents and fees required by 35 USC 371(c) within the periods set forth in § 1.494 and § 1.495."*

**WARNING:** *Where the items are those which can be submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. §1.10 must be used (since international application papers are not covered by an ordinary certificate of mailing - See 37 C.F.R. §1.8.*

**NOTE:** *Documents and fees must be clearly identified as a submission to enter the national state under 35 USC 371 otherwise the submission will be considered as being made under 35 USC 111. 37 C.F.R. § 1.494(f).*

1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:

- a. ☒ This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
- b. ☒ The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:

2022E0 " 620416683 X

09/914029

JC03 Rec'd PGT/TC 22 AUG 2001

## 2.Fees

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
[ ]*	TOTAL CLAIMS	19 - 20 =		x \$ 18.00 =	\$
	INDEPENDENT CLAIMS	2 - 3 =		x \$ 80.00 =	
	MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$270.00				
BASIC FEE**	<input type="checkbox"/> U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an International preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO: <input type="checkbox"/> and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(2) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 CFR 1.492(a)(4)) ..... \$100.00 <input type="checkbox"/> and the above requirements are not met (37 CFR 1.492(a)(1)) ..... \$690.00  <input checked="" type="checkbox"/> U.S. PTO WAS NOT INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where no international preliminary examination fee as set forth in § 1.482 has been paid to the U.S. PTO, and payment of an international search fee as set forth in § 1.445(a)(2) to the U.S. PTO: <input type="checkbox"/> has been paid (37 CFR 1.492(a)(2)) ..... \$710.00 <input checked="" type="checkbox"/> has not been paid (37 CFR 1.492(a)(3)) ..... \$1,000.00 <input type="checkbox"/> where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office (37 CFR 1.492(a)(5)) ..... \$860.00				
	Total of above Calculations				1000.00
SMALL ENTITY	Reduction by ½ for filing by small entity, if applicable. Statement may also be filed. (note 37 CFR 1.9, 1.27, 1.28)				-
	Subtotal				
	Total National Fee				\$1000.00
	Fee for recording the enclosed assignment document \$40.00 (37 CFR 1.21(h)). (See Item 13 below). See attached "ASSIGNMENT COVER SHEET".				
TOTAL	Total Fees enclosed				\$1000.00

\*See attached Preliminary Amendment Reducing the Number of Claims.



5. [x] Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371(c)(3)):

*NOTE: The Notice of January 7, 1993 points out that 37 C.F.R. § 1.495(a) was amended to clarify the existing and continuing practice that PCT Article 19 amendments must be submitted by 30 months from the priority date and this deadline may not be extended. The Notice further advises that: "The failure to do so will not result in loss of the subject matter of the PCT Article 19 amendments. Applicant may submit that subject matter in a preliminary amendment filed under section 1.121. In many cases, filing an amendment under section 1.121 is preferable since grammatical or idiomatic errors may be corrected." 1147 O.G. 29-40, at 36.*

- a. [ ] are transmitted herewith.
- b. [ ] have been transmitted
  - i. [ ] by the International Bureau.  
Date of mailing of the amendment (from form PCT/IB/308): \_\_\_\_\_.
  - ii. [ ] by applicant on \_\_\_\_\_  
Date
- c. [x] have not been transmitted as
  - i. [x] applicant chose not to make amendments under PCT Article 19.  
Date of mailing of Search Report (from form PCT/ISA/210):  
24 November 1999.
  - ii. [ ] the time limit for the submission of amendments has not yet expired.  
The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.

6. [x] A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. 371(c)(3)):

- a. [ ] is transmitted herewith.
- b. [ ] is not required as the amendments were made in the English language.
- c. [x] has not been transmitted for reasons indicated at point 5(c) above.

7. [x] A copy of the international examination report (PCT/IPEA/409)

- [x] is transmitted herewith.
- [ ] is not required as the application was filed with the United States Receiving Office.

8. [x] Annex(es) to the international preliminary examination report

- a. [x] is/are transmitted herewith.
- b. [ ] is/are not required as the application was filed with the United States Receiving Office.

9. [x] A translation of the annexes to the international preliminary examination report

- a. [x] is transmitted herewith.
- b. [ ] is not required as the annexes are in the English language.

10. [x] An oath or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35 U.S.C. 115
- a. [ ] was previously submitted by applicant on \_\_\_\_\_  
Date
- b. [ ] is submitted herewith, and such oath or declaration
- i. [ ] is attached to the application.
- ii. [ ] identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3(b) or 3(c) and 5(b); and states that they were reviewed by the inventor as required by 37 C.F.R. 1.70.
- c. [x] will follow.

Other document(s) or information included:

11. [x] An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):
- a. [ ] is transmitted herewith.
- b. [x] has been transmitted by the International Bureau.  
Date of mailing (from form PCT/IB/308): 14 SEPTEMBER 2000.
- c. [ ] is not required, as the application was searched by the United States International Searching Authority.
- d. [ ] will be transmitted promptly upon request.
- e. [ ] has been submitted by applicant on \_\_\_\_\_  
Date
12. [x] An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98:
- a. [ ] is transmitted herewith.  
Also transmitted herewith is/are:  
[ ] Form PTO-1449 (PTO/SB/08A and 08B).  
[ ] Copies of citations listed.
- b. [x] will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. 371(c).
- c. [ ] was previously submitted by applicant on \_\_\_\_\_  
Date
13. [ ] An assignment document is transmitted herewith for recording.

A separate [ ] "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or [ ] FORM PTO 1595 is also attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. ☒ Additional documents:
- a. ☒ Copy of request (PCT/RO/101)
  - b. ☒ International Publication No. WO 00/53680
    - i. ☒ Specification, claims and drawing
    - ii. ☐ Front page only
  - c. ☒ Preliminary amendment (37 C.F.R. § 1.121)
  - d. ☒ Other

FORM PCT/IPEA/401: REPLY TO THE WRITTEN RESPONSE  
FORM PCT/IPEA/408: FORM PCT/IPEA/416

15. ☐ The above checked items are being transmitted
- a. ☐ before 30 months from any claimed priority date.
  - b. ☐ after 30 months.
16. ☐ Certain requirements under 35 U.S.C. 371 were previously submitted by the applicant on \_\_\_\_\_, namely:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

#### AUTHORIZATION TO CHARGE ADDITIONAL FEES

**WARNING:** *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

**NOTE:** *"A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).*

**NOTE:** *"Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).*

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425.

☒ 37 C.F.R. 1.492(a)(1), (2), (3), and (4) (filing fees)

**WARNING:** *Because failure to pay the national fee within 30 months without extension (37 C.F.R. § 1.495(b)(2)) results in abandonment of the application, it would be best to always check the above box.*

☐ 37 C.F.R. 1.492(b), (c) and (d) (presentation of extra claims)

**NOTE:** *Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must*

09/914029


only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.492(d)), it might be best not to authorize the PTO to charge additional claim fees, except possible when dealing with amendments after final action.

- ☒ 37 C.F.R. 1.17 (application processing fees)
- ☒ 37 C.F.R. 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).
- ☒ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

- ☐ 37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 30 months after the priority date).

  
SIGNATURE OF PRACTITIONER

WILLIAM R. EVANS  
(type or print name of practitioner)

Reg. No.: 25,858

Tel. No.: (212) 708-1930

P.O. Address

Customer No.: 00140

c/o Ladas & Parry  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

09/914029 "032202"



**BEST AVAILABLE COPY**

U013610-2

August 22, 2001

U013610-2

August 22, 2001

IN RE: VICENTE BAGAN VARGAS, ET AL

09/914029

INT'L FILING DATE.: 10 MARCH 1999

INT'L PCT/IL99/00700

FOR: PIGMENTS BASED ON SILICA AND IRON OXIDE AND PROCESS FOR THE  
MANUFACTURE THEREOF

TRANSMITTAL LETTER DUPLICATE: FORM PCT/IB/308: FORM PCT/ISA/210: FORM  
PCT/IPEA 409: 7 PAGES OF SPECIFICATION: 3 PAGES OF CLAIMS: FORM  
PCT/RO 101: INTERNATIONAL PUBLICATION NO. WO 00/53680: PRELIMINARY  
AMENDMENT: FORM PCT/IPEA/401: REPLY TO WRITTEN RESPONSE: FORM  
PCT/IPEA 408: FORM PCT/IPEA/416: A CHECK FOR \$1000.00

FILING NO.: \_\_\_\_\_  
WRE:ic

EXPRESS MAIL LABEL  
NO.: EL728214725US

JC20 Rec'd PCT/PTO 22 AUG 2001